

THOMAS ROGERS)	
)	
Plaintiff)	Civil Action No. _____
)	
vs.)	Judge _____
)	
HARBOR FREIGHT TOOLS USA, INC.)	Magistrate _____
)	
Defendant)	Jury Trial _____

4. Venue is proper in this District because Harbor is subject to personal jurisdiction in this District. 28 U.S.C. § 1391(b).

COUNT I

PATENT INFRINGEMENT RE U.S. PATENT NO. 6,533,445

5. Rogers repeats and realleges the allegations contained in Paragraphs 1-4 of the complaint as if set forth fully herein.

6. Rogers is the owner of U.S. Patent No. 6,533,445 (the “‘445 Patent”), a copy of which is attached hereto as Exhibit A.

7. The ‘445 Patent is a valid patent.

8. One or more products made, used, sold, and/or offered for sale by Harbor infringe one or more claims of the ‘445 Patent.

9. Harbor’s infringement has caused and will continue to cause both compensable and irreparable damage to Rogers.

10. Because of Harbor’s infringement, Rogers is entitled to a reasonable royalty based upon Harbor’s sales, and a preliminary injunction and permanent injunction prohibiting Harbor from making, using, selling, or offering to sell the infringing products.

11. Upon information and belief, Harbor’s infringement has been willful.

WHEREFORE, Rogers prays:

a. For an injunction prohibiting Harbor and its agents, employees and those acting in concert with them, from infringing the ‘445 Patent;

b. For an order directing that all materials which are in the possession, custody, or control of Harbor which infringe the '445 Patent be delivered to the Court for impoundment during the pendency of this action;

c. For an award of a reasonable royalty and/or damages;

d. For an award of treble damages due to Harbor's willful violation of Rogers' rights under U.S. patent law;

e. For an assessment of costs and an award of Rogers' reasonable attorney fees in prosecuting this action against Harbor; and

f. For such other and further relief as this Court may deem just and proper.

Claimant demands a jury to determine all issues of fact.

Respectfully submitted,



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